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ABSTRACT

The growth of unionization and the enactment of collective bargaining legislation are considered to be the causes of increased strike activity in the public sector. This paper includes statistical data on the frequency and number of public employee strikes in each state; summarizes the state labor legislation; and presents an average of strikes, workers involved, and man-days lost per year in each state. The authors conclude that a method other than compulsory public employee collective bargaining would be in the public's best interest. (MLF)

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Public Sector Bargaining and Strikes

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PUBLIC SECTOR BARGAINING AND STRIKES

Sixth Edition

Prepared by

The Public Service Research Council
8330 Old Courthouse Road, Suite 600
Vienna, Virginia 22180

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THE PUBLIC SERVICE RESEARCH COUNCIL

The Public Service Research Council is an independent organization devoted to non-partisan research and education about public sector unionism and its effects upon the nation's governmental institutions and their services to the country's citizens.

PSRC was founded in 1973 by citizens concerned with this problem. The Board of Directors is responsible for the activities of the Council, relying in large measure upon the advice and counsel of an advisory committee of outstanding citizens from publishing, business, education and the public sector.

This is the sixth edition of the strike report. Statistics in this study are from reports by the United States Bureau of Labor Statistics. The appendices to the study provide additional detailed statistics that are not included in the narrative.

PUBLIC SECTOR BARGAINING AND STRIKES

During a May 1973 legislative hearing on the initial experience with Act 195, Pennsylvania's primary collective bargaining statute, Mr. Harry Boyer, president of the Pennsylvania AFL-CIO, "declared that the Pennsylvania AFL-CIO played 'no small part' in the enactment of Act 195. He stated that there were 'many' strikes before the enactment of the law, but that 'Now, with the limited, restricted right-to-strike included in the law, such strikes were minimal.'"[1] Either Mr. Boyer computed differently than his colleagues or he was guilty of purposeful misrepresentation. For in fact, from 1958 through 1968, Pennsylvania's public employees engaged in 72 work stoppages. In the first three years of experience under Act 195, there were 215 work stoppages.

The question that arises from this evidence concerns the nature of the relationship between the enactment of collective bargaining legislation and the frequency of strikes. An examination of the facts relating to this question through the use of statistical data and its interpretation is the primary focus of this study.

The Rise of Unionism

The emergence of collective bargaining as a labor-management tool of state and local governments and the parallel growth of public sector unions has been referred to as "among the half dozen most far-reaching legal developments of this century."[2]

In 1959, only one state, Wisconsin, had enacted public sector collective bargaining legislation. In all others, the collective bargaining process was a special arrangement tolerated by a small number of local governments.

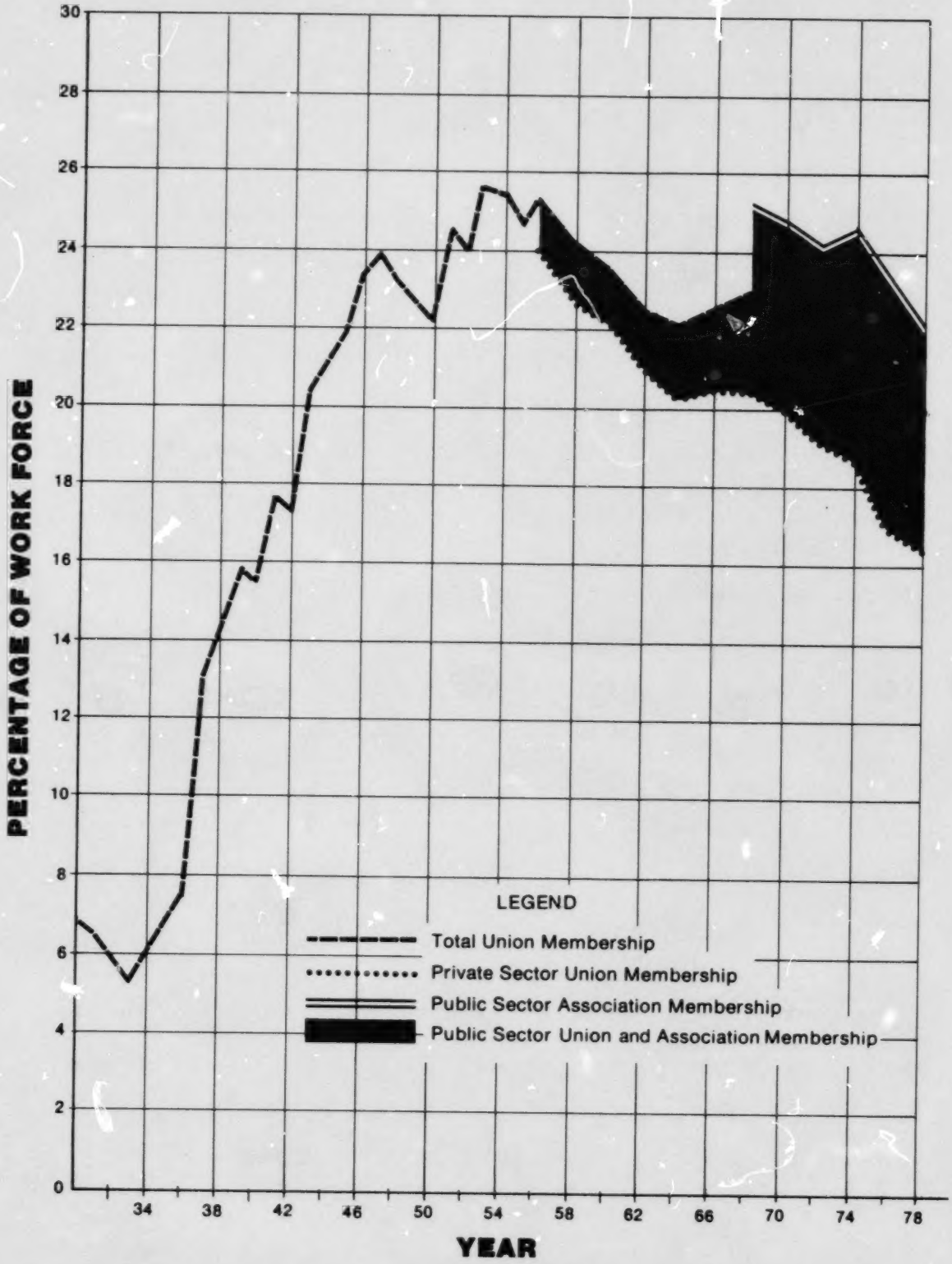
Strikes were rare with the vast majority of public sector unions accepting their illegality and officially rejecting their use.

By 1980 matters were very different. By then thirty-seven states had enacted some type of bargaining or meet-and-confer legislation. Membership in public sector unions had virtually quadrupled, and whereas there were only 15 strikes by public employees in 1958, there were 536 in 1980 Strikes also tended to last longer and involve more employees than strikes prior to the 1960's.

In 1958, public sector union membership was 1,035,000. By 1978 membership in public sector unions and associations had grown to 6,019,000. Private sector unions, in 1956, represented 24 percent of the total work force with 16,575,000 members. At the same time, public sector union membership represented only 1.3 percent of the total work force. By 1978, the difference between the two segments of the union movement had narrowed noticeably. Private sector union and association membership stood at 16,779,000 or 16.4 percent of the total work force. In the public sector, the 6,019,000 members of unions and associations represented almost 6.0 percent of the total work force. (See chart)

In 1956, 27 percent of the private sector work force belonged to unions. By 1978 that figure had fallen to 19.3 percent. In contrast, public sector union membership, as a percentage of the government work force, had increased from 12 percent in 1956 to 39 percent in 1978.

The growing importance of the public sector union movement is indicated in other statistics. From 1968 through 1978, the two fastest growing unions in the country operated in the public sector. During this period, the American Federation of State, County and Municipal Employees (AFSCME) increased its membership by 180.2 percent. The American Federation of


PERCENTAGE OF WORK FORCE
30
28
26
24
22
20
18
16
14
12
10
8
6
4
2
0
34
38
42
46
50
54
58
62
66
70
74
78
YEAR
LEGEND
Total Union Membership
Private Sector Union Membership
Public Sector Association Membership
Public Sector Union and Association Membership

Teachers (AFT) posted a gain of 203 percent.

In addition, the National Education Association (NEA) which has, over the last decade and a half, evolved from a professional association into a labor organization, now ranked among the largest unions. Its 1,700,000 members place it second only to the Teamsters in size.

These developments were accompanied by a radical change in the attitudes of the leadership of the union movement toward public sector collective bargaining. "In 1955, AFL-CIO President George Meany wrote: 'It is impossible to bargain collectively with the government.'"[3] But it was not possible to ignore the growing union membership in the public sector.

In 1974, the AFL-CIO created a Public Employee Department (PED). In his speech at the PED founding convention, George Meany evidenced a different perspective on public sector labor relations. Not only did he now feel it was possible to bargain collectively with government, Meany now endorsed the use of militant tactics. "You just quit working for the guy who's kicking you around. And if that guy happens to be the mayor of the city or the governor of a state, it doesn't make a damn bit of difference." By this time, many public sector unions had already amended their constitutions and by-laws to remove strike prohibitions.

Increase in Strike Activity

The growth of unionization and collective bargaining in the public sector has been accompanied by an increase in strike activity. This increase has occurred despite the fact that all but eight states prohibit strikes in the public sector. The states legalizing strikes in a limited form are: Alaska, Hawaii, Minnesota, Montana, Oregon, Pennsylvania, Vermont and Wisconsin.

In 1958 there were 15 public sector strikes, involving 1,730 workers and resulting in the loss of 7,520 man-days. By 1980 the number of public sector strikes had increased to 536, involving 223,600 workers and resulting in the loss of 2,347,800 man-days. The decade of the seventies averaged 423 public sector strikes per year.

During this period, public attitudes toward strikes against government underwent change. While opinion on the issue was almost evenly divided in the mid-1970's, support for strikes had eroded by the end of the decade. A 1975 Gallup Poll provided the following results on public support for strikes by various types of public employees: sanitation workers - 45% YES 48% NO; teachers - 45% YES, 48% NO; firefighters - 39% YES, 55% NO; police 41% YES, 52% NO.

Over the next few years attitudes toward strikes by sanitation workers and teachers remained relatively unchanged. There was a gradual decline in support for strikes by police and firefighters.

Polls taken in 1981, however, showed a dramatic change. The Gallup Poll of that year reported public support for strikes by sanitation workers had fallen to 40% and support for police and firefighter strikes had dropped to 27%. An NBC News/Associated Press Poll taken in August, 1981, provided similar results. When asked whether certain types of public employees should be permitted to strike, the public responded as follows: teachers - 39% YES, 57% NO; police and firefighters - 26% YES, 70% NO; postal workers - 27% YES, 67% NO.

These poll results suggest a growing public dissatisfaction with strikes by public employees and their unions. Yet, the public may not be aware of the relationship between strikes and the advent of collective bargaining and collective bargaining laws in the public sector.

Table A illustrates that the increase in states with bargaining legislation was accompanied by an increase in union membership and strikes in the public sector. Dr. Sylvester Petro examined this trend in the public sector and compared it with events in the private sector following passage of the Wagner Act. He came to the following conclusion:

> Proceeding as cautiously as possible because statistical analysis is an inconclusive business, one emerges with this fact: the introduction of compulsory collective bargaining legislation in the public sector coincided with both a sharp increase in unionization and a sharper increase in the number of strikes, despite their illegality, than occurred in the private sector with the introduction of compulsory collective bargaining legislation there.[4]

TABLE A

	STATES WITH BARGAINING LEGISLATION	PUBLIC SECTOR UNION MEMBERSHIP*	PUBLIC SECTOR UNION AND ASSOCIATION MEMBERSHIP*	NUMBER OF STRIKES
1958	0	1,035,000	---------	15
1959	1	---------	---------	25
1960	1	1,070,000	---------	36
1961	2	---------	---------	28
1962	2	1,225,000	---------	28
1963	2	---------	---------	29
1964	2	1,453,000	---------	41
1965	9	---------	---------	42
1966	10	1,717,000	---------	142
1967	13	---------	---------	181
1968**	15	2,115,000	3,857,000	254
1969	23	---------	---------	411
1970	28	2,318,000	4,080,000	412
1971	30	---------	---------	329
1972	31	2,460,000	4,520,000	375
1973	34	---------	---------	387
1974	36	2,920,000	5,345,000	384
1975	36	---------	---------	478
1976	36	3,012,000	5,852,000	378
1977	36	---------	---------	413
1978	37	3,625,000	6,019,000	481
1979	37	---------	---------	593
1980	37	***	***	536

* data on public sector union and association membership compiled by the Bureau of Labor Statistics biannually.

** data on public sector association membership only available since 1968.

*** data unavailable for 1980.

Rationale for Bargaining

According to Myron Lieberman and Michael Moskow, authors of Collective Negotiations for Teachers, there were five important factors that contributed to the development of collective bargaining in public education: (1) the need of teachers for more effective representation at the local level; (2) consolidation of school districts; (3) developments outside of education (more militant activities of other public employees); (4) the changing attitudes of teachers themselves (from docile to assertive -- especially in their willingness to strike); and (5) organizational rivalry.[5] While Dr. Lieberman now feels that there may be a need for some reevaluation of these factors, they nonetheless remain relevant, not only in the area of public education, but for the public sector in general.

One of the most important factors has been organizational rivalry. The inherent difficulty of unseating a certified exclusive representative has led to intense competition between unions.

> The rapid spread of bargaining after enactment of a state bargaining law is not due to widespread rank-and-file demands for immediate bargaining. Instead, it is the result of union leadership efforts to achieve incumbency before being frozen out by a rival union.[6]

State legislators were no less helpful in providing a suitable environment for the growth of bargaining. They justified adoption of such statutes partly on the grounds that legislative remedies were too slow and ineffective to resolve labor-management problems in the public sector.

> ...There was some thought that once the legislatures had provided bargaining rights at the local level, they would get out of the business of legislating statewide terms and conditions of employment. They could legitimately say that they had established a mechanism for dealing with these problems at the local level and that they did not intend to usurp the

> function of local public employers. In fact, no such legislative reaction seems to have occurred, at least on a national basis.[7]

The model for public sector labor relations has been the private sector experience. In many states, the language drafted for use in public employee collective bargaining statutes, was not significantly different from that of the National Labor Relations Act (NLRA). There are, however, legitimate distinctions between the responsibilities of public and private sector employees that we ignore at our peril. These distinctions are central not only to questions of whether public sector unions should be permitted to strike, but also, to the root issue of whether governments should engage in collective bargaining.

The relationship between government and its employees has undergone a radical metamorphosis within the last twenty years. The emergence of collective bargaining, coupled with traditional civil service systems, have placed many public employees in the position of enjoying protections and privileges not shared by workers in the private sector.

Perhaps first among these special privileges is a developing body of case law which holds that public sector employees have a constitutionally protected and supported "property interest" in their continued employment. There is no such benefit conferred on private sector workers.

The U.S. Supreme Court's decision in Perry v. Sindermann, 408 U.S. 593, (U.S. 1972) was an integral link in establishing the concept of property right to employment. Mr. Justice Stewart, delivering the opinion of the Court stated

> We have made clear in *Roth*... that 'property' interests subject to procedural due process protection are not limited by a few rigid, technical forms. Rather, 'property' denotes a broad range of interests that are secured by 'existing rules or understandings' ... A person's interest in a benefit is a 'property' interest for due process purposes if there are such

> rules or mutually explicit understandings that support his claim of entitlement to the benefit and that he may invoke at a hearing... .
>
> A teacher, like the respondent, who has held his position for a number of years, might be able to show from the circumstances of this service -- and from other relevant facts -- that he has a legitimate claim of entitlement to job tenure.[8]

The consequences of this constitutionally supported right, as it relates to the issue of collective bargaining, are just now beginning to be understood.

> The Supreme Court has frequently ruled that unions cannot negotiate away the basic statutory rights of employees set forth in Section 7 of the NLRA. Thus, it would be most unlikely to permit unions to negotiate away constitutional rights. As the Court stated in a leading First Amendment case, 'one's right to life, liberty and property...and other fundamental rights may not be submitted to a vote; they depend on the outcome of no election.'[9]

These strictures have important implications. Perhaps the most important of these concerns the rationale for the extension of collective bargaining to the public sector, because if, in fact, the constitutional guarantees are upheld, "public employers and public employee unions cannot make and enforce agreements that would be completely viable in the private sector."[10]

Constitutional Fallacy

Among many policymakers there has been a mistaken interpretation of the constitutional rights of public employees to organize and press for collective negotiations. For instance, when Representative Edward Roybal of California introduced legislation in Congress in 1977 to federally mandate collective bargaining for all state and local government employees, he stated:

> The denial by some public employers of the right of employees to organize and the refusal by some employ-

> ers to accept the procedure of collective bargaining deprives public employees of the effective exercise of rights guaranteed under the Constitution of the United States. Such refusal also leads to strikes and other forms of unrest... .[11]

The glaring fallacy in Roybal's statement is that collective bargaining even in the private sector, is a creation of national legislation and not a constitutionally guaranteed right.

The U.S. District Court for the Western District of North Carolina stated in Atkins v. City of Charlotte,

> There is nothing in the United States Constitution which entitles one to have a contract with another who does not want it... . The right to a collective bargaining agreement, so firmly entrenched in American labor-management relations, rests upon national legislation and not upon the federal constitution.[12]

The Question of Sovereignty

The prohibitions and arguments against extending collective bargaining rights to public employee unions can be traced as far back as 1937 when President Franklin D. Roosevelt declared:

> All government employees should realize that the process of collective bargaining, as usually understood, cannot be transplanted into the public service. It has its distinct and insurmountable limitations when applied to public personnel management. The very nature and purposes of government make it impossible for administrative officials to represent fully or to bind the employer in mutual discussion with government employee organizations. The employer is the whole people who speak by means of laws enacted by their representatves in Congress. Accordingly, administrative officials and employees alike are governed and guided, and in many cases restricted, by laws which establish policies, procedures or rules in personnel matters.[13]

Herein is reiterated the principle of sovereignty; governments operate on the principle that their decisions, when all appeals are exhausted, are final and universally applied. Only duly elected representatives of the

people may share in the delegated powers of government. Dr. Sylvester Petro provides a succinct statement about the inherent conflict between collective bargaining and governmental sovereignty. He says:

> ...the unchallenged, undivided, and supreme power to govern is vital to ordered society and is in fact recognized as such even by those who consider the sovereignty doctrine somehow 'outmoded' and not a fit subject for sustained scholarly discussion of the issues raised by compulsory public sector bargaining.
>
> ...there is an absolute and ineradicable incompatibility between government sovereignty and compulsory public sector bargaining, an incompatibility which must necessarily weaken if not ultimately destroy effective governing power and the integrity of government vis-a-vis the general citizenry, since the necessary consequence of according public employee unions exclusive bargaining status is to encourage among government employees a tendency to repose their loyalties primarily in the unions which they have been induced to believe are their protagonists.[14]

Government and unions do bargain, however, and the result has been that the process has become an appendage to the political process that changes the dynamics of government's most vital operations, i.e., budget development and the determination of state and local policy. Petro comments:

> The most ominous threat that compulsory public-sector bargaining poses is to the basic political institution of the United States. Call it representative government, or popular government, or popular sovereignty, or the 'normal' American political process; the name does not matter; it is the reality that counts. The system whatever called, presupposes that government programs will represent a consensus, somehow derived, on all the varied, intersecting, sometimes conflicting interests of the American people as a whole. Here as elsewhere, as Whitehead might have said, it is the process that counts. The process with which we are concerned is one in which a free people acting singly or in voluntary groupings, none of them possessed of monopolistic powers rivalling those of government itself, seeks to secure from government the kind of services upon which a majority can agree without doing too much harm to minority interests.[15]

Currently, collective bargaining excludes major sections of the elec-

torate from decisions affecting budget allocations and policy development. One private interest group, unaccountable to the public, the union, realizes enhanced power over these decisions to the detriment of other legitimate interest groups.

The U.S. District Court for the Middle District of North Carolina, in a decision upholding that state's ban on public sector bargaining, stated:

> (To) extent that public employees gain power through recognition and collective bargaining, other interest groups with a right to a voice in the running of the government may be left out of vital political decisions. Thus, the granting of collective bargaining rights to public employees involves important matters fundamental to our democratic form of government. The setting of goals and making policy decision are rights inuring to each citizen. All citizens have the right to associate in groups to advocate their special interest to the government. It is something entirely different to grant any one interest group special status and access to the decision-making process.[16]

Public Sector Strikes Disruptive

The fact that public sector bargaining is not consistent with elements of the democratic process is most visable and easily understood in strike situations.

Strikes, as impasse resolution procedures, designed to force changes or improvements in "wages and terms and conditions of employment," constitute pressure to modify public policy. Justice Lewis Powell observed that "the ultimate objective of a union in the public sector, like that of a political party, is to influence public decision-making in accordance with the views and perceived interests of its membership... ."[17] If that is so, then in a sense, a public sector strike represents a unique and ultimately damaging political act.

One of the basic rationales for government provision of police, firefighter, teacher and other essential services is that it could better

provide an uninterrupted flow of service. A strike against government disrupts the normal flow of a public benefit for which there is no alternative source of supply and, in the case of essential services, the absence of which jeopardizes the public good. Strikes in the private sector generally do not affect the public to the same degree. The usual reaction to the strike is pressure on elected officials to restore the disrupted service. Thus, the victim becomes the unwitting ally of the union. If the cost of restoring the disrupted service is capitulation to union demands, elected officials caught between angry strikers and an angry public, usually must do so. Thus, public sector strikes enjoy a heightened degree of effectiveness not shared by private sector work stoppages.

Professors Harry H. Wellington and Ralph D. Winter, in their Brookings Institution Study, "The Unions and the Cities", focus on this problem concerning the strike weapon:

> The trouble is that if unions are able to withhold labor -- to strike -- as well as to employ the usual methods of political pressure, they may possess a disproportionate share of effective power in the process of decision. Collective bargaining would then be so effective a pressure as to skew the results of the 'normal' American political process.
>
> ... Since interest groups other than public employees, with conflicting claims on municipal government, do not, as a general proposition, have anything approaching the effectiveness of the strike -- or at least cannot maintain that relative degree of power over the long run -- they may be put at a significant competitive disadvantage in the political process.[18]

Other Considerations

The strike, or restrictions against it, presents problems in the area of public policy that have deeper reverberations. For instance, if members of a local policemen's union are prohibited by law from striking, what can

be done by the governing bodies of that jurisdiction if the police do strike? After injunctive relief is sought and found to be of no avail, should the next step be the arrest of the entire participating body of striking policemen? What type of barriers are being erected against future amicable relations between the citizens and their protectors if such action is taken? What type of protection can citizens expect if the majority of the security force is behind bars? Should those responsible for making public policy fire all the strikers or should they accept tardy responses to judicial decrees and grant amnesty which includes no reprisals?

Strike prohibitions and penalties are seldom consistently applied. This inconsistency in enforcement results in an erosion of respect for the rule of law. Leon Jaworski, special Watergate prosecutor, said in an address before a group of law school graduates:

> ...despite the existence of laws that forbid policemen firemen, teachers and other public employees to strike and the issuance of court orders restraining them from continuing their conduct and ordering their return to work, both laws and court decrees have been ignored and wantonly flouted... . To my dismay, here were large groups of teachers... jeering, shouting epithets, and engaging in various disorders and generally acting like ruffians and rogues. Some of them were arrested, sentenced for contempt of court and confined where, as jailbirds, they were exemplifying citizenship behavior for their students to emulate... .
>
> The question naturally arises what is to be expected of the young as they grow older? Is it to be expected that they will become citizens respectful of the law, or is it likely that they will recall the precepts and examples of their teachers... ?[19]

The 1968 National Commission of the Causes and Prevention of Violence stated in its majority report:

> ...every time a court order is disobeyed, each time an injunction is violated, each occasion on which a court decision is flounted, the effectiveness of our judicial system is eroded. How much erosion can it tolerate? It takes no prophet to know that our judicial system

> cannot face wholesale violation of its orders and still retain its efficacy. Violators must ponder the fact that once they have weakened the judicial system, the very ends they sought to attain -- and may have attained -- cannot then be preserved.[20]

Given the growth of compulsory public sector collective bargaining and the adverse impact of public sector strikes, one obvious question should concern us. Is there a relationship between public sector collective bargaining and strikes?

Bargaining and Strikes Related

Proponents of compulsory public sector collective bargaining have argued that such laws would serve to reduce public sector strike activity. They claim that forcing government to recognize and bargain with unions would remove the cause of strikes by providing formal channels for the resolution of differences.

It is claimed that bargaining legislation, by reducing the number of recognition strikes, would result in a net reduction in public sector strike activity. Jack Stieber, author of a Brookings Institution study entitled Public Employee Unionism, is often cited to support this contention.

In fact, Stieber fails to recognize the relationship between such laws and strikes. His full quote indicates this:

> Clearly, there is little relationship between the incidence of government strikes and state laws regulating labor relations in public employment. Michigan, one of the three states with the largest number of strikes, has had a comprehensive law since 1965, while Ohio and Illinois, the other two, have no state statute providing collective bargaining for public employees. Other state patterns are similarly inconclusive. The one effect of laws that can be documented is that they reduce greatly the number of strikes over the issue of union recognition. But other

issues, particularly wages, have apparently increased the number of strikes sufficiently to more than compensate for the elimination of union recognition as an important issue in states with public employment laws. (Emphasis added)[21]

Fortunately, the Bureau of Labor Statistics of the U.S. Department of Labor began to keep detailed statistics on public sector strike activity in 1958. This data base allows us to examine strike activity before and after enactment of bargaining legislation.

In order to provide a more thorough examination of the data, this study employs two differing statistical analyses. The first is the state-by-state comparison used in previous editions, expanded to include 1980 figures.

The average number of strikes per state per year was calculated for the periods before and after the enactment of bargaining legislation, omitting the year of legislation. In the overwhelming majority of cases, the passage of a bargaining law did not result in a reduction of strike activity.

In many cases, strike activity was notably higher in the period following legislation. As a national compilation, states without or prior to legislation averaged 1.34 strikes per year while states after legislation averaged 5.00 strikes per year -- over three and a half times more. (See Table B)

However, public sector strike activity in general has increased dramatically since the mid-1960's. It would be reasonable then to question whether the results displayed in Table B reflect this general trend rather than changes in legislative status. Table C presents on a year-to-year basis, the average number of strikes per state by employees covered and not covered by bargaining legislation.

TABLE B

PUBLIC SECTOR STRIKES BEFORE AND AFTER
ENACTMENT OF BARGAINING LEGISLATION
1958 - 1980

COMPILED BY
PUBLIC SERVICE RESEARCH COUNCIL

STATE	STRIKES/YR. BEFORE LEGISLATION	YEAR OF LEGISLATION	STRIKES/YR. AFTER LEGISLATION
ALABAMA	3.78	----	----
ALASKA			
teachers	0.00	1970	.60
all others	.50	1972	2.00
ARIZONA	.70	----	----
ARKANSAS	.65	----	----
CALIFORNIA			
higher education	.81	1979	3.00
state employees	.38	1971	1.66
teachers	.14	1965	11.07
all others	.33	1961	13.05
COLORADO	1.57	----	----
CONNECTICUT			
state employees	0.00	1975	.60
all others	.86	1965	6.73
DELAWARE			
teachers	0.00	1969	1.45
state and some local	0.00	1965	1.33
all others	.09	----	----
FLORIDA	3.19	1974	3.33
GEORGIA	2.74	----	----
HAWAII	.08	1970	1.00
IDAHO			
firefighters	0.00	1970	.10
teachers	.08	1971	1.22
all others	.43	----	----

TABLE B (continued)

STATE	STRIKES/YR. BEFORE LEGISLATION	YEAR OF LEGISLATION	STRIKES/YR. AFTER LEGISLATION
ILLINOIS			
state employees	1.20	1973	4.57
all others	20.78	----	----
INDIANA			
teachers	1.93	1973	6.00
all others	3.61	----	----
IOWA	1.38	----	----
KANSAS			
teachers	0.00	1970	.10
state	.15	1971	.44
all others	.78	----	----
KENTUCKY	2.74	----	----
LOUISIANA	1.78	----	----
MAINE			
state employees	.06	1974	0.00
univ. employees	.06	1975	.20
all others	0.00	1969	.82
MARYLAND			
teachers	.27	1969	.64
all others	1.22	----	----
MASSACHUSETTS	.57	1965	7.13
MICHIGAN			
state employees	.22	----	----
state police	0.00	1978	0.00
all others	.14	1965	50.60
MINNESOTA	.38	1971	5.33
MISSISSIPPI	.65	----	----
MISSOURI			
teachers and police	1.83	----	----
all others	2.00	1967	4.23
MONTANA			
nurses	0.00	1969	.64
teachers	.15	1971	1.33
all others	.40	1973	3.57
NEBRASKA			
teachers	0.00	1967	0.00
all others	0.00	1969	.55

TABLE B (continued)

STATE	STRIKES/YR. BEFORE LEGISLATION	YEAR OF LEGISLATION	STRIKES/YR. AFTER LEGISLATION
NEVADA			
state employees	0.00	----	----
all others	0.00	1969	.18
NEW HAMPSHIRE			
state employees	0.00	1969	0.00
police	0.00	1972	.13
all others	.75	1970	1.10
NEW JERSEY	3.10	1968	25.08
NEW MEXICO	.74	----	----
NEW YORK	4.22	1967	20.62
NORTH CAROLINA	2.48	----	----
NORTH DAKOTA			
teachers	0.00	1969	0.00
all others	.09	----	----
OHIO	30.26	----	----
OKLAHOMA			
teachers, police and firefighters	.23	1971	.44
all others	.52	----	----
OREGON			
teachers	0.00	1965	.60
all others	.20	1973	2.14
PENNSYLVANIA			
police and fire-fighters	.10	1968	2.17
all others	6.00	1970	76.70
RHODE ISLAND			
teachers	.25	1966	3.64
local employees	.11	1967	1.46
state employees police and fire-fighters	.25	1970	1.70
SOUTH CAROLINA	.30	----	----
SOUTH DAKOTA	.09	1969	.09

TABLE B (continued)

STATE	STRIKES/YR. BEFORE LEGISLATION	YEAR OF LEGISLATION	STRIKES/YR. AFTER LEGISLATION
TENNESSEE			
teachers	.90	1978	5.00
all others	1.88	----	----
TEXAS	2.09	----	----
UTAH	.48	----	----
VERMONT			
state employees	0.00	1969	0.00
teachers	0.00	1969	.45
all others	0.00	1973	.14
VIRGINIA	.74	----	----
WASHINGTON			
teachers	0.00	1965	3.13
state, community college and univ. employees	.15	1971	1.89
all others	.22	1967	2.69
WEST VIRGINIA	2.91	----	----
WISCONSIN			
state employees	0.00	1966	.64
all others	0.00	1959	6.38
WYOMING			
firefighters	0.00	1965	0.00
all others	.09	----	----
NATIONAL AVERAGE STRIKES/YR.	1.34		5.00

TABLE C

AVERAGE NUMBER OF STRIKES PER STATE

	EMPLOYEES NOT COVERED BY LEGISLATION	EMPLOYEES COVERED BY LEGISLATION
1958	.30	----
1959	.52	----
1960	.66	2.00
1961	.52	0.00
1962	.42	1.00
1963	.54	1.00
1964	.74	2.00
1965	.76	2.00
1966	1.96	5.22
1967	2.28	5.30
1968	2.83	8.23
1969	5.42	11.47
1970	4.64	9.29
1971	3.17	7.70
1972	4.26	8.00
1973	3.81	8.90
1974	4.21	8.35
1975	4.74	10.58
1976	4.38	7.52
1977	4.45	8.52
1978	5.97	8.97
1979	6.17	12.12
1980	5.52	10.94

The chart does reveal a general increase in the level of strike activity in the public sector. However, the level of strike activity by employees covered by bargaining legislation has been consistently higher than that of employees not covered by legislation.

PRA Analysis

The second statistical analysis was prepared by Policy Research Associates (PRA), of Fairfax, Virginia for use in this study. The cumulative strike rates and strike acceleration rates were calculated for each employee group affected by collective bargaining legislation. In order to make comparisons with groups not covered by legislation, similar calculations were made for the periods before and after 1969, which is both the mean and modal year for the passage of public sector collective bargaining legislation.

Through the use of the strike acceleration rate for the pre-collective bargaining legislation (Pre-CBL) period, it is possible to predict strike levels for the post-collective bargaining legislation (Post-CBL) period. Strike activity above the predicted levels is regarded as "excess strike activity." The question is whether this "excess strike activity" can be attributed to the presence of collective bargaining legislation? The PRA analysis contends there is a linkage.

> Causation in science is (or can be) an intensely philosophic morass which becomes even trickier when translated to social phenomena not subject to experimentation in the laboratory sense. Nevertheless, it is reasonable to attribute (with the qualification noted below) changes in the post-CBL acceleration pattern to the CBL itself because it is the single most stable change in the underlying circumstances of the group. Other phenomena might certainly play a role, but their various effects are at least partially cancelled out by the undeniable fact that, over all CB groups, the point in time at which the CBL entered the cumulative pattern varied from 1959 to 1979.[22]

An examination of the data for those employee groups covered by collective bargaining legislation reveals a significant amount of "excess strike activity" for the post-legislation period. A comparison of the strike acceleration rate

predictions for the post-legislation period with the actual levels of strike activity show an excess of 2,498 strikes involving 376,141 workers and resulting in the loss of 9,953,785 man-days that theoretically would not have occurred in the absence of collective bargaining legislation.

It is possible, however, that there occurred over this period of time general changes in the patterns of public sector strike activity. Factors such as greater union militancy, declining managerial effectiveness, growth in public employment, etc., may have contributed to a climate more conducive to public sector strikes. While some of the factors may be related to the enactment of public sector collective bargaining legislation, we will assume that such a relationship does not exist.

In order to ascertain the presence of this general change in the strike climate and to correct for it, those employee groups not covered by legislation were used as a control. When the comparisons described above were applied to the non-bargaining legislation sub-set, excess strike activity for this group was revealed. Specifically, there were 325 strikes involving 116,770 workers resulting in the loss of 2,636,067 man-days above the levels predicted by the strike acceleration rate.

The final problem stems from the fact that the collective bargaining legislation sub-set is larger than the non-legislation group. By making a simple proportional adjustment it was possible to arrive at a correction factor of 628 strikes, 225,199 workers and 5,083,844 man-days.

By subtracting this correcting factor from the previously derived excess activity levels for the bargaining legislation group it is possible to determine a level of "excess strike activity" that can be laid at the doorstep of the collective bargaining legislation: 1,870 strikes; 150,942 workers; 4,869,941 man-days.

Conclusions

Briefly stated, the questions examined in this study concern (1) whether governments should engage in collective bargaining (2) whether the collective bargaining process leads to an increase in strike activity, and (3) whether public sector unions should be permitted to strike.

In the case of the first, evidence would lead us to answer in the negative. As Robert S. Summers, professor of law at Cornell University, explains, "Collective bargaining and the process of democratic public benefit conferral are not felicitous bedfellows."[23] Specifically, the the process gives a special interest group the ability to set policy and determine municipal fiscal matters uninhibited by the wishes or interests of other citizens; it provides the unions with a disproportionate amount of influence which is used to the detriment of other interest groups with legitimate claims on the resources of the community; and it removes responsible decision-making from duly elected officials and vests it in a special group with a limited membership.

As to our second concern, the data would indicate the development of certain trends. Namely, public sector unions representing bargaining units covered by collective bargaining legislation have exhibited a greater tendency to strike after enactment of legislation than before and a greater tendency than units not covered by legislation. While the levels of public sector strike activity have risen across the country, they have risen higher and faster in areas covered by compulsory collective bargaining legislation.

It is admittedly impossible to empirically prove a causal relationship. However, the data have exhibited a pattern of such consistency that we can acknowledge the existence of a correlation between compulsory public sector collective bargaining legislation and heightened strike activity.

The connection between collective bargaining and strikes has been noted and there is abundant evidence as to the detrimental effects of strikes on the health, welfare and safety of citizens and taxpayers. Public sector strikes distort normal democratic processes by virtue of their ability to hold vital management decisions "captive" until the issues in question are settled. The hesitancy with which governments invoke strike penalties and the flagrant violations of injunctions against the strike gives silent assent to those who subvert the rule of law.

What may be achieved to correct the imbalances and damaging effects of extending collective bargaining to public sector unions is at present a matter of speculation. However, Lieberman suggests that the solution does not lie in new or futuristic methodology, he says:

> ...At the risk of oversimplicfication, the public sector union is a hybrid union-political party, with most of the advantages of both and none of the disadvantages of either. It would be desirable to have a new organizational structure to replace public sector unionism, but such a structure is not required to justify deunionizing public employment. All things considered, the conventional ways of resolving public-sector labor disputes prior to public-sector bargaining were better for our society. Some were much better than others, and some were hardly defensible, but overall, they were not as harmful. In any event, there is no justification for waiting until something better than public-sector bargaining comes along. It was here and left. The more a new structure is consistent with democratic political processes, the more it will be unacceptable to public-sector unions anyway. The choice is not between public-sector bargaining and something better. Without in any way idealizing what preceded public-sector bargaining, it was better.[24]

FOOTNOTES

1. Alderefer, Harold F., "Follow-up on the Pennsylvania Public School Strikes," Labor Law Journal, March 1974, p. 167

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3. Steiber, Jack, Public Employee Unionism: Structure, Policy, Growth, Brookings Institution, Washington, D.C., 1973, p. 116

4. Petro, Sylvester, Sovereignty and Compulsory Public-Sector Bargaining, Wake Forest Law Review, Vol. 10, No. 1, March 1974, p. 35-36

5. Lieberman, Myron and Moskow, Michael H., "Collective Negotiations for Teachers" (Chicago: Rand McNally, 1966) p. 55-61

6. Lieberman, Myron, Public-Sector Bargaining (Lexington, Mass., Lexington Books, 1980) p. 15

7. Ibid., p. 16-17

8. Perry v. Sindermann, 408 U.S. 593, (U.S. 1972)

9. Lieberman, Myron, op. cit., p. 109

10. Ibid., p. 107

11. From the preamble to H.R. 1987, introduced in the 95th Congress by Rep. Edward Roybal (D-CA).

12. Atkins v. City of Charlotte, 296 F. Supp. 1068 (W.D,N.C. 1969)

13. Rosenman, "The Public Papers and Addresses of Franklin D. Roosevelt", 1937 Vol. 1 p. 325 (1941)

14. Petro, Sylvester, op. cit., p. 110-111

15. Ibid., p. 112

16. Winston-Salem/Forsyth County Unit of the North Carolina Association of Educators v. Phillips (DCNC 1974) 381 F. Supp 644

17. Abood v. Detroit Board of Education (1977) 431 U.S. 209, 228

18. Wellington, H.H. and Winter, R.K., The Unions And The Cities (Brookings Institution, Washington, D.C. 1971) p.25

19. Commencement address of Leon Jaworski at George Mason University School of Law: Saturday, August 23, 1980.

20. From the majority report of National Commission on Causes and Prevention of Violence: as quoted from a speech by Leon Jaworski at George Mason University School of Law; Saturday, August 23,1980

21. Stieber, Jack, op. cit. p. 163

22. Policy Research Associates, Fairfax, VA., Public Employee Strike Behavior Statistical Analysis (Unpublished Report)

23. Summers, Robert S., op. cit., p. 65

24. Lieberman, Myron, op. cit., p. 162

APPENDIX I

ALABAMA

The only public sector labor legislation in Alabama pertains to firefighters. This legislation grants employee organizations the right to present proposals but does not authorize bargaining. Precedents established by case law prohibit collective bargaining without statutory or constitutional authority and limit agreements to non-binding memoranda.

In the absence of enabling legislation, minimum bargaining occurs in Alabama. As of 1980, 37 of 953 government units, or 3.9% were engaged in bargaining.

STATISTICAL DATA

Legislative Status: No Bargaining Legislation.

1958-80: 87 strikes; 15,930 workers involved; 142,497 man-days lost

Average: 3.78 strikes/yr.
692.61 workers/yr.
6,195.52 man-days/yr.

ALASKA

Two pieces of legislation mandate collective bargaining for Alaska's public employees. A 1970 law covers teachers, and a 1972 law applies to remaining government employees.

Alaska is one of eight states that have legalized strikes in some form. The 1972 legislation permits strikes by "semi-essential" and "non-essential" employees. The 1970 teacher law is silent on strikes, and there is some question on the application of the 1972 provisions to teachers.

Legislation such as Alaska's serves to encourage bargaining, and in 1980, 30 of 151 government units, 19.9%, were bargaining with their employees. The statistics reveal that legislation was accompanied by increased strike activity.

STATISTICAL DATA

EDUCATION

Legislative Status: 1970 Legislation covers teachers.

1958-69: 0 strikes; 0 workers involved; 0 man-days lost

1971-80: 6 strikes; 3,804 workers involved; 22,440 man-days lost

Average:
.60 strikes/yr.
380.40 workers/yr.
2,244.00 man-days/yr.

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: 1972 Legislation covers remaining public employees.

1958-71: 7 strikes; 358 workers involved; 3,119 man-days lost

Average:
.50 strikes/yr.
25.57 workers/yr.
222.79 man-days/yr.

1973-80: 16 strikes; 10,560 workers involved; 65,222 man-days lost

Average:
2.00 strikes/yr.
1,320.00 workers/yr.
8,152.75 man-days/yr.

ARIZONA

Arizona has no bargaining legislation. Court decisions have ruled that the state's public employers may, but are not required to bargain collectively.

Despite the lack of legislated authorization, a high degree of bargaining occurs in the state. As of 1980, 103 of 420 government units, 24.5%, were engaged in bargaining. Arizona, however, has experienced a low level of strike activity.

STATISTICAL DATA

Legislative Status: No Bargaining Legislation.

1958-80: 16 strikes; 5,691 workers involved; 35,908 man-days lost

Average: .70 strikes/yr.
247.43 workers/yr.
1,561.22 man-days/yr.

ARKANSAS

Arkansas has not enacted bargaining legislation. An attorney general's opinion and case law state that public employers may, but are not required to bargain collectively with their employees.

Arkansas experiences a low degree of bargaining. As of 1980, 66 of 1,347 government units, 4.9% engaged in negotiations with employees. The data reveals a corresponding low level of strike activity.

STATISTICAL DATA

Legislative Status: No Bargaining Legislation.

1958-80: 15 strikes; 1,641 workers involved; 23,698 man-days lost

Average: .65 strikes/yr.
71.35 workers/yr.
1,030.35 man-days/yr.

CALIFORNIA

Five legislative acts and a Governor's Executive Order establish collective bargaining rights for California public employees. 1979 legislation covers higher education employees; 1971 legislation and Executive Order cover state government employees; 1965 legislation covers teachers; and 1961 legislation covers remaining local government employees. All of these provided for a meet and confer relationship.

Legislation enacted in 1975 replaced the teacher statute and provides for collective negotiations. The State Employer-Employee Relations Act, enacted in 1977, provides additional coverage for state employees but does not completely supplant the previous enactments.

A relatively large number of California governments bargain with their employees. As of 1980, 1,485 of 3,807 government units, 39.0%, were negotiating. With the exception of higher education for which limited data is currently available, the statistics reveal a marked post-legislation increase in strike activity at all levels.

STATISTICAL DATA

EDUCATION

Legislative Status: 1965 Legislation originally covered teachers

1958-64 1 strike; 15 workers involved; 75 man-days lost

Average: .14 strikes/yr.
2.14 workers/yr.
10.71 man-days/yr.

1966-80 166 strikes; 91,772 workers involved; 790,705 man-days lost

Average: 11.07 strikes/yr.
6,118.13 workers/yr.
52,713.67 man-days/yr.

HIGHER EDUCATION

Legislative Status: 1979 Legislation covers higher education employees

1958-78: 17 strikes; 4,485 workers involved; 80,052 man-days lost

Average: .81 strikes/yr.
213.57 workers/yr.
3,812.00 man-days/yr.

CALIFORNIA (continued)

1980: 3 strikes; 559 workers involved; 2,671 man-days lost
Average: 3.00 strikes/yr.
559.00 workers/yr.
2,671.00 man-days/yr.

STATE EMPLOYEES

Legislative Status: 1971 Executive Order and Legislation initially covered state employees.

1958-70: 5 strikes; 1,007 workers involved; 4,987 man-days lost

Average: .38 strikes/yr.
77.46 workers/yr.
383.62 man-days/yr.

1972-80: 15 strikes; 12,753 workers involved; 56,192 man-days lost

Average: 1.66 strikes/yr.
1,417.00 workers/yr.
6,243.56 man-days/yr.

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: 1961 Legislation covers remaining employees.

1958-60: 1 strike; 3,886 workers involved; 11,658 man-days lost

Average: .33 strikes/yr.
1,295.33 workers/yr.
3,886.00 man-days/yr.

1962-80: 248 strikes; 135,320 workers involved; 1,776,153 man-days lost

Average: 13.05 strikes/yr.
7,122.11 workers/yr.
93,481.74 man-days/yr.

COLORADO

Colorado has no public sector labor relations legislation. An attorney general's opinion permits a meet and confer relationship but forbids any negotiating process that results in the loss of discretionary authority on the part of the employer. Case law holds that public employers have no authority to enter into collective bargaining agreement with their employees.

A relatively low degree of public sector bargaining exists in Colorado. As of 1980, 132 of 1,465 government units, 9.0%, were negotiating with employees. The state has also experienced a relatively low level of strike activity.

STATISTICAL DATA

Legislative Status: No Bargaining Legislation.

1958-80: 36 strikes; 9,098 workers involved; 77,345 man-days lost

Average: 1.57 strikes/yr.
395.57 workers/yr.
3,362.83 man-days/yr.

CONNECTICUT

Three separate statutes extend collective bargaining rights to all of Connecticut's public employees. Two separate 1965 enactments cover municipal employees and teachers. State employees were covered by 1975 legislation.

Connecticut governments bargain to a great degree. As of 1979, 178 of 435 units, 41.2%, were negotiating. The data reveals a significant increase in strike activity following the enactment of bargaining legislation for local government employees.

STATISTICAL DATA

STATE EMPLOYEES

Legislative Status: 1975 Legislation covers state employees.

1958-74: 0 strikes; 0 workers involved; 0 man-days lost

1976-80: 3 strikes; 1,036 workers involved; 3,430 man-days lost

Average: .60 strikes/yr.
207.20 workers/yr.
686.00 man-days/yr.

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: 1965 Legislation covers remaining employees.

1958-64: 6 strikes; 576 workers involved; 2,517 man-days lost

Average: .86 strikes/yr.
82.29 workers/yr.
359.57 man-days/yr.

1966-80: 101 strikes; 40,480 workers involved; 159,342 man-days lost

Average: 6.73 strikes/yr.
2,698.67 workers/yr.
10,622.80 man-days/yr.

DELAWARE

Two pieces of legislation establish bargaining relationships for Delaware's public employees. A 1969 statute covers teachers. A 1965 statute provides for mandatory bargaining for state government and local option bargaining for county and municipal governments. To date, only New Castle County and the cities of Wilmington and Newark have opted for coverage.

Because the nature of the data allows us to identify strikes occurring in Wilmington and New Castle County, these, along with strikes at the state government level, have been calculated in relation to the legislation. Remaining local government strikes have been treated as occurring in the absence of legislation.

As of 1980, 22 of 211 government units, 10.4%, were negotiating with their employees. Delaware has not experienced a high level of strike activity. Nevertheless, strikes occurred with greater frequency in the years following legislation than in the preceding years.

STATISTICAL DATA

EDUCATION

Legislative Status: 1969 Legislation covers teachers.

1958-68: 0 strikes; 0 workers involved; 0 man-days lost

1970-80: 16 strikes; 13,971 workers involved; 121,464 man-days lost

Average: 1.45 strikes/yr.
1,270.09 workers/yr.
11,042.18 man-days/yr.

STATE AND SOME LOCAL EMPLOYEES

Legislative Status: 1965 Legislation covers state employees and local governments that opt for coverage.

1958-64: 0 strikes, 0 workers involved; 0 man-days lost

1966-80: 20 strikes; 7,922 workers involved; 21,944 man-days lost

DELAWARE (continued)

Average: 1.33 strikes/yr.
528.13 workers/yr.
1,462.93 man-days/yr.

ALL OTHER LOCAL GOVERNMENT EMPLOYEES

Legislative Status: No Legislation.

1958-80: 2 strikes; 29 workers involved; 29 man-days lost

Average: .09 strikes/yr.
1.26 workers/yr.
1.26 man-days/yr.

FLORIDA

1974 legislation mandates collective bargaining for all public employees in Florida.

The level of strike activity for the six years following legislation has been slightly higher than that experienced prior to legislation.

As of 1980, 212 of Florida's 912 government units, 23.2%, were engaging in collective bargaining.

STATISTICAL DATA

Legislative Status: 1974 Legislation covers all public employees.

1958-73: 51 strikes; 36,791 workers involved; 397,211 man-days lost

Average: 3.19 strikes/yr.
2,299.44 workers/yr.
24,825.69 man-days/yr.

1975-80: 20 strikes; 6,068 workers involved; 21,102 man-days lost

Average: 3.33 strikes/yr.
1,011.33 workers/yr.
3,517.00 man-days/yr.

GEORGIA

The only bargaining legislation in Georgia is a 1971 act extending bargaining rights to firefighters in muunicipalities of over 20,000 population which opt for coverage. The limited scope of this legislation coupled with the nature of the data available made it impossible to select out of those strikes occurring in municipalities covered. Therefore, all Georgia strikes were treated as taking place in the absence of legislation.

As of 1980, 16 of 1,267 government units in the state, 1.3%, were negotiating with employee groups. Over the 23 year period for which data was available, strike activity was at a relatively low level.

STATISTICAL DATA

Legislative Status: No Bargaining Legislation (see above).

1958-80: 63 strikes; 15,547 workers involved; 105,323 man-days lost

Average: 2.74 strikes/yr.
675.96 workers/yr.
4,579.26 man-days/yr.

HAWAII

1970\legislation mandated collective bargaining for the state's public employees. Hawaii is also one of the eight states to grant limited strike rights to its public employees.

As of 1980, 5 of Hawaii's 20 government units, 25%, were engaged in bargaining. The statistics reveal a marked increase in strike activity following legislation, and, given the small number of governmental units, Hawaii has experienced a high level of strike activity overall.

STATISTICAL DATA

Legislative Status: 1970 legislation covers all public employees.

1958-69: 1 strike; 2,000 workers involved; 4,000 man-days lost

Average: .08 strikes/yr.
166.67 workers/yr.
333.33 man-days/yr.

HAWAII (continued)

1971-80: 10 strikes; 23,232 workers involved; 309,174 man-days lost

Average: 1.00 strikes/yr.
2,323.20 workers/yr.
30,917.40 man-days/yr.

IDAHO

Two pieces of legislation mandate collective bargaining for firefighters, enacted in 1970, and teachers, enacted in 1971. In addition, an attorney general's opinion states that local governments may bargain with their other employees, including police, if not specifically prohibited by local ordinance.

As of 1980, 114 of Idaho's 973 government units, 11.7%, were engaged in bargaining with their employees. Idaho historically has a low level of strike activity, and only in the case of teachers has bargaining legislation significantly altered this.

STATISTICAL DATA

FIREFIGHTERS

Legislative Status: 1970 legislation covers firefighters.

1958-69: 0 strikes; 0 workers involved; 0 man-days lost

1971-80: 1 strike; 17 workers involved; 85 man-days lost

Average: .10 strikes/yr.
1.70 workers/yr.
8.50 man-days/yr.

EDUCATION

Legislative Status: 1971 legislation covers teachers.

1958-70: 1 strike; 505 workers involved; 505 man-days lost

IDAHO (continued)

Average: .08 strikes/yr.
38.85 workers/yr.
38.85 man-days/yr.

1972-80: 11 strikes; 2,911 workers involved; 17,346 man-days lost

Average: 1.22 strikes/yr.
323.44 workers/yr.
1,927.33 man-days/yr.

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: No Bargaining Legislation.

1958-80: 10 strikes; 384 workers involved; 3,418 man-days lost

Average: .43 strikes/yr.
16.70 workers/yr.
148.61 man-days/yr.

ILLINOIS

The only mandatory collective bargaining policy in Illinois is a 1973 Governor's Executive Order which applies to state government employees. Legislation effecting educational employees was enacted in 1981, but this statute, while mandating recognition, does not require bargaining. However, 1980 data shows that approximately 64% of Illinois school districts have labor relations policies and 946 labor-management agreements were in effect at that time.

As of 1980, 869 of 6,619 government units in Illinois, 13.1%, were engaging in bargaining. The high number of government units bargaining, 869, and Illinois' traditionally high level of private sector unionization and strike activity are, no doubt, contributing factors to the high level of public sector strike activity.

ILLINOIS (continued)

STATISTICAL DATA

STATE EMPLOYEES

Legislative Status: 1973 Executive Order covers state employees.

1958-72: 18 strikes; 9,135 workers involved; 36,570 man-days lost

Average: 1.20 strikes/yr.
609.00 workers/yr.
2,438.00 man-days/yr.

1974-80: 32 strikes; 6,158 workers involved; 32,196 man-days lost

Average: 4.57 strikes/yr.
879.71 workers/yr.
4,599.43 man-days/yr.

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: No Bargaining Legislation.

1958-80: 478 strikes; 229,834 workers involved; 1,738,927 man-days lost

Average: 20.78 strikes/yr.
9,992.78 workers/yr.
75,605.52 man-days/yr.

INDIANA

The only bargaining legislation presently in force in Indiana is a 1973 statute covering teachers. Legislation was enacted in 1975 extending bargaining to all remaining state and local government employees with the exception of police and firefighters. However, this law was declared unconstitutional and has not been reenacted.

As of 1980, 351 of Indiana's 2,867 government units, 12.2% were engaged in bargaining. The years following teacher legislation have seen strike activity climb higher than pre-legislation levels.

STATISTICAL DATA

EDUCATION

Legislative Status: 1973 legislation covers teachers.

1958-72: 29 strikes; 31,557 workers involved; 175,036 man-days lost

Average: 1.93 strikes/yr.
2,103.80 workers/yr.
11,669.07 man-days/yr.

1974-80: 42 strikes; 14,215 workers involved; 112,421 man-days lost

Average: 6.00 strikes/yr.
2,030.71 workers/yr.
16,060.14 man-days/yr.

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: No Bargaining Legislation.

1958-80: 83 strikes; 10,392 workers involved; 58,831 man-days lost

Average: 3.61 strikes/yr.
451.83 workers/yr.
2,557.87 man-days/yr.

IOWA

Iowa enacted legislation in 1974 mandating collective bargaining for all public employees. A unique feature of the Iowa statute may be responsible for the low level of strike activity.

All local budgets are reviewed by the state legislature. If negotiations are not completed within 120 days of this submission date, the state Public Employee Relations Board begins a mediation/arbitration process at the conclusion of which the state board may ultimately set the wages and working conditions for local jurisdictions. It is not unusual for two-thirds of the state's bargaining units to undergo this process, often without having engaged in any prior negotiations.

As of 1980, 491 of 1,851 government units, 26.5%, were engaged in bargaining.

STATISTICAL DATA

Legislative Status:	1974 legislation covers all public employees
1958-73:	22 strikes; 2,746 workers involved; 15,557 man-days lost
Average:	1.38 strikes/yr.
	171.63 workers/yr.
	972.31 man-days/yr.
1975-80:	3 strikes; 174 workers involved; 1,108 man-days lost
Average:	.50 strikes/yr.
	29.00 workers/yr.
	184.67 man-days/yr.

KANSAS

Two pieces of legislation extend bargaining to public employees in Kansas. A 1970 statute applies to teachers. A 1971 statute is mandatory for state government, but local governments must opt to be included in its coverage. Due to the nature of the data, strikes in state government are treated as occurring under the provisions of the 1971 statute, but local government strikes (with the exception of education) are treated as occurring in the absence of legislation.

As of 1980, 296 of 3,726 government units, 7.9%, were bargaining with their employees. Kansas has had relatively light strike activity in the public sector, but the data shows a distinct increase following the enactment of legislation.

STATISTICAL DATA

EDUCATION

Legislative Status: 1970 legislation covers teachers.

1958-69: 0 strikes; 0 workers involved, 0 man-days lost

1971-80: 1 strike; 81 workers; 1,467 man-days lost

Average:
.10 strikes/yr.
8.10 workers/yr.
146.70 man-days/yr.

STATE EMPLOYEES

Legislative Status: 1971 legislation covers state employees.

1958-70: 2 strikes; 218 workers involved; 1,213 man-days lost

Average:
.15 strikes/yr.
16.77 workers/yr.
93.31 man-days/yr.

1972-80: 4 strikes; 647 workers involved; 2,537 man-days lost

Average:
.44 strikes/yr.
71.89 workers/yr.
281.89 man-days/yr.

KANSAS (continued)

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: No legislation (1971 legislation is local option).

1958-78: 18 strikes: 2307 workers involved; 16,108 man-days lost

Average: .78 strikes/yr.
100.30 workers/yr.
700.35 man-days/yr.

KENTUCKY

There are two bargaining statues in force in Kentucky, both enacted in 1972. One applies to firefighters in cities of over 300,000 population. The other statute applies to police in counties of over 300,000 population, which is limited to Jefferson County encompassing Louisville. The limited scope of this legislation coupled with the nature of the availible data made it impossible to select out those strikes occurring in the areas covered. Therefore, all Kentucky strikes were treated as taking place in the absence of legislation.

As of 1980, 45 of 1,185 government units, 3.8%, were engaged in bargaining. The data reveals that Kentucky has had a relatively low level of strike activity during the 23 year period.

STATISTICAL DATA

Legislative Status: No Bargaining Legislation

1958-80: 63 strikes; 64,057 workers involved; 285,937 man-days lost

Average: 2.74 strikes/yr.
2,785.09 workers/yr.
12,432.04 man-days/yr.

LOUISIANA

There is no bargaining legislation in Louisiana. An attorney general's opinion holds that bargaining is permissible, apparently at the discretion of the governmental unit.

As of 1980, 24 of Louisiana's 459 government units, 5.2%, were engaged in bargaining. The data reveals that Louisiana has enjoyed a low level of strike activity.

STATISTICAL DATA

Legislative status: No Bargaining Legislation.

1958-80: 41 strikes; 19,972 workers involved; 183,589 man-days lost

Average: 1.78 strikes/yr.
868.35 workers/yr.
7,982.13 man-days/yr.

MAINE

Three statutes mandate collective bargaining for all public employees in Maine. State employees were covered in 1974; University of Maine employees in 1975; and all other public employees bargain by virtue of a 1969 statute.

As of 1980, 189 of Maine's 782 government units, 24.2%, were bargaining. Maine has not suffered many public sector strikes, but a slight increase in strike activity after the 1969 legislation is discernible.

STATISTICAL DATA

STATE EMPLOYEES

Legislative Status: 1974 legislation covers state employees.

1958-73: 1 strike; 279 workers involved; 279 man-days lost

MAINE (continued)

Average: .06 strikes/yr.
17.44 workers/yr.
17.44 man-days/yr.

1975-80: 0 strikes, 0 workers involved; 0 man-days lost

UNIVERSITY EMPLOYEES

Legislative Status: 1975 legislation covers university employees.

1958-74: 1 strike; 22 workers involved; 22 man-days lost

Average: .06 strikes/yr.
1.29 workers/yr.
1.29 man-days/yr.

1976-80: 1 strike; 75 workers involved; 225 man-days lost

Average: .20 strikes/yr.
15.00 workers/yr.
45.00 man-days/yr.

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: 1969 legislation covers remaining employees.

1958-68: 0 strikes; 0 workers involved; 0 man-days lost

1970-80: 9 strikes; 485 workers involved; 1,350 man-days lost

Average: .82 strikes/yr.
44.09 workers/yr.
122.73 man-days/yr.

MARYLAND

In 1969, bargaining legislation was passed covering teachers. A 1974 statute covering non-certified school employees has been declared to be local option. However, some counties and municipalities have enacted their own bargaining ordinances.

As of 1980, 38 of 427 government units, 8.9%, were bargaining with their employees. Data shows a slight increase in strike activity following the enactment of bargaining legislation for teachers.

STATISTICAL DATA

EDUCATION

Legislative Status: 1969 legislation covers teachers.

1958-68: 3 strikes; 5,220 workers involved; 21,449 man-days lost

Average: .27 strikes/yr.
474.55 workers/yr.
1,949.91 man-days/yr.

1970-80: 7 strikes; 11,427 workers involved; 151,576 man-days lost

Average: .64 strikes/yr.
1,038.82 workers/yr.
13,779.64 man-days/yr.

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: No Bargaining Legislation.

1958-80: 28 strikes; 10,940 workers involved; 80,004 man-days lost

Average: 1.22 strikes/yr.
475.65 workers/yr.
3,478.43 man-days/yr.

MASSACHUSETTS

Massachusetts enacted legislation in 1965 extending bargaining to all public employees. This legislation has served as a stimulus to bargain. In 1980, 402 of 768 government units, 52.3%, were engaged in bargaining.

The data clearly shows a marked increase in strike activity following the enactment of bargaining legislation.

STATISTICAL DATA

Legislative Status:	1965 legislation covers all public employees.	
1958-64:	4 strikes; 10,455 workers involved; 11,087 man-days lost	
Average:	.57 strikes/yr.	
	1,493.57 workers/yr.	
	1,583.86 man-days/yr.	
1966-80:	107 strikes; 66,917 workers involved; 405,457 man-days lost	
Average:	7.13 strikes/yr.	
	4,461.13 workers/yr.	
	27,030.47 man-days/yr.	

MICHIGAN

Legislation enacted in 1965 extended collective bargaining privileges to all Michigan public employees except those state workers covered by civil service. A 1978 amendment to the state Constitution created bargaining rights for state police.

As of 1980, 907 of Michigan's 2,627 government units, 34.5%, were engaged in bargaining. The statistics show that Michigan is one of the most startling examples of drastically increased strike activity following the enactment of bargaining legislation.

STATISTICAL DATA

STATE EMPLOYEES

Legislative Status: No bargaining legislation for state employees covered by civil service.

1958-80: 5 strikes; 931 workers involved; 8,918 man-days lost

Average: .22 strikes/yr.
40.48 workers/yr.
387.74 man-days/yr.

STATE POLICE

Legislative Status: 1978 Comstitutional amendment covers state police.

1958-77: 0 strikes; 0 workers involved; 0 man-days lost

1979-80: 0 strikes; 0 workers involved; 0 man-days lost

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: 1965 legislation covers remaining employees.

1958-64: 1 strike; 34 workers involved; 238 man-days lost

Average: .14 strikes/yr.
4.86 workers/yr.
34.00 man-days/yr.

MICHIGAN (continued)

1966-80: 759 strikes; 292,346 workers involved; 2,788,913 man-days lost

Average: 50.60 strikes/yr.
19,489.73 workers/yr.
185,927.53 man-days/yr.

MINNESOTA

A single piece of legislation enacted in 1971 mandates collective bargaining for Minnesota's public employees. Strikes, although generally prohibited, are permitted in cases where the employer refuses to comply with an arbitration award or refuses to submit items at impasse to binding arbitration. Recent changes in the law permit teacher unions to opt for either binding arbitration or legalized strikes.

As of 1980, 654 of 3,439 government units, 19.0%, were bargaining with their employees. The data shows an increase in strike activity following legislation.

STATISTICAL DATA

Legislative Status: 1971 legislation covers all public employees.

1958-70: 5 strikes; 2,412 workers involved; 29,041 man-days lost

Average: .38 strikes/yr.
185.54 workers/yr.
2,233.92 man-days/yr.

1972-80: 48 strikes; 8,564 workers involved; 105,363 man-days lost

Average: 5.33 strikes/yr.
951.56 workers/yr.
11,707.00 man-days/yr.

MISSISSIPPI

Mississippi has no bargaining legislation or formalized public sector labor relations policy.

As a reflection of this, bargaining occurs to a very limited degree. In 1980, 14 of 836 government units, 1.7%, had established bargaining relationship with their employees. The data reveals a very low level of strike activity.

STATISTICAL DATA

Legislative Status: No Bargaining Legislation.

1958-80: 15 strikes; 1,125 workers involved; 5,681 man-days lost

Average: .65 strikes/yr.
48.91 workers/yr.
247.00 man-days/yr.

MISSOURI

While teachers and police have no bargaining legislation, a 1967 statute established a "meet and confer" policy for remaining state and local government employees, including firefighters. A 1968 attorney general's opinion states that teachers have the right to present proposals but does not mandate a bargaining relationship.

As of 1980, 249 of Missouri's 2,938 government units, 8.5%, were bargaining with their employees. The data shows a definite increase in strike activity by employees covered by legislation.

STATISTICAL DATA

EDUCATION AND LAW ENFORCEMENT

Legislative Status: No Bargaining Legislation.

1958-80: 42 strikes; 36,418 workers involved; 559,210 man-days lost

Average: 1.83 strikes/yr.
1,583.39 workers/yr.
24,313.48 man-days/yr.

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: 1967 legislation covers all remaining employees.

1958-66: 18 strikes; 3,589 workers involved; 10,832 man-days lost

Average: 2.00 strikes/yr.
398.76 workers/yr.
1,203.56 man-days/yr.

1968-80: 55 strikes; 17,590 workers involved; 104,223 man-days lost

Average: 4.23 strikes/yr.
1,353.08 workers/yr.
8,017.15 man-days/yr.

MONTANA

Originally, three pieces of legislation extended bargaining rights to all of Montana's public employees. Initial legislation was in 1969 and applied to publicly employed nurses. That was followed in 1971 by legislation covering teachers. 1973 legislation brought bargaining to the state's remaining public employees. Teachers were brought under the provisions of the 1973 statute.

Montana is one of the eight states permitting strikes. The 1969 legislation permitted the strike for nurses. The teacher bargaining statute denies them the strike weapon. The remaining public employees are covered by a court decision that recognizes the right to strike.

As of 1980, 217 of 950 government units, 22.8%, were bargaining with employee groups. The data shows an increase in strike activity following the enactment of each of the three pieces of legislation.

STATISTICAL DATA

NURSES

Legislative Status: 1969 legislation covers nurses.

1958-68: 0 strikes; 0 workers involved; 0 man-days lost

1970-80: 7 strikes; 3,228 workers involved; 21,655 man-days lost

Average: .64 strikes/yr.
293.45 workers/yr.
1,968.64 man-days/yr.

EDUCATION

Legislative Status: 1971 legislation covers teachers.

1958-70: 2 strikes; 1,055 workers involved; 1,505 man-days lost

Average: .15 strikes/yr.
81.15 workers/yr.
115.77 man-days/yr.

1972-80: 12 strikes; 4,845 workers involved; 26,697 man-days lost

Average: 1.33 strikes/yr.
538.33 workers/yr.
2,966.33 man-days/yr.

MONTANA (continued)

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: 1973 legislation covers remaining employees.

1958-72: 6 strikes; 653 workers involved; 6,531 man-days lost

Average: .40 strikes/yr.
43.53 workers/yr.
435.40 man-days/yr.

1974-80: 25 strikes; 3,370 workers involved; 50,247 man-days lost

Average: 3.57 strikes/yr.
481.43 workers/yr.
7,178.14 man-days/yr.

NEBRASKA

Nebraska enacted weak bargaining legislation for teachers in 1967. School board approval is required to establish a "meet and confer" relationship. 1969 legislation covers all remaining public employees and mandates collective bargaining.

Nebraska has a limited amount of bargaining and minimal strike activity. As of 1980, 382 of 3,425 government units, 11.2%, were bargaining.

STATISTICAL DATA

EDUCATION

Legislative Status: 1967 legislation covers teachers.

1958-66: 0 strikes; 0 workers involved; 0 man-days lost

1968-80: 0 strikes; 0 workers involved; 0 man-days lost

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: 1969 legislaton covers remaining employees.

1958-68: 0 strikes; 0 workers involved; 0 man-days lost

1970-80: 6 strikes; 394 workers involved; 446 man-days lost

NEBRASKA (continued)

Average: .55 strikes/yr.
35.82 workers/yr.
40.55 man-days/yr.

NEVADA

A single piece of legislation in Nevada mandates collective bargaining for all public employees except those employed by the State of Nevada.

As of 1980, 39 of Nevada's 183 governement units, 21.3%, were bargaining. Nevada has had minimal strike activity. Both strikes occurred following passage of the bargaining legislation.

STASTICAL DATA

STATE EMPLOYEES

Legislative Status: No Bargaining Legislation.

1958-80: 0 strikes; 0 workers involved; 0 man-days lost

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: 1969 legislation covers remaining employees.

1958-68: 0 strikes; 0 workers involved; 0 man-days lost

1970-80: 2 strikes; 178 workers involved; 518 man-days lost

Average: .18 strikes/year
16.18 workers/year
47.09 man-days/year

NEW HAMPSHIRE

New Hampshire enacted legislation in 1969 mandating collective bargaining for state employees. 1970 legislation authorized bargaining for all local government employees with the exception of police, but apparently at the discretion of the local government. Police were covered by 1972 legislation mandating collective bargaining. These laws were revised by 1975 legislation mandating collective bargaining for all public employees.

As of 1980, 116 of 507 government units, 22.9%, were bargaining. New Hampshire has experienced light strike acivitity, but there was an increase following enactment of the legislation covering police and remaining local goverment employees.

STATISTICAL DATA

STATE EMPLOYEES

Legislative Status: 1969 legislation covers state employees.

1958-68: 0 strikes; 0 workers involved; 0 man-days lost

1970-80: 0 strikes; 0 workers involved; 0 man-days lost

POLICE

Legislative Status: 1972 legislation covers police.

1958-71: 0 strikes; 0 workers involved; 0 man-days lost

1973-80: 1 strike; 26 workers involved; 26 man-days lost

Average: .13 strikes/ yr.
3.25 workers/yr.
3.25 man-days/yr.

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: 1970 legislation covers all remaining employees.

1958-69: 9 strikes; 1,745 workers involved; 4,197 man-days lost

NEW HAMPSHIRE (continued)

Average:	.75 strikes/yr.
	145.42 workers/yr.
	349.75 man-days/yr.

1971-80: 11 strikes; 2,175 workers involved; 21,152 man-days lost

Average:	1.10 strikes/yr.
	217.50 workers/yr.
	2,115.20 man-days/yr.

NEW JERSEY

Legislation enacted in 1968 mandated collective bargaining for all public employees in New Jersey.

As of 1980, 882 of New Jersey's 1,516 government units, 58.2%, were engaging in collective bargaining. The data reveals a marked increase in strike ativity following legislation.

STATISTICAL DATA

Legislative Status: 1968 legislation covers all public employees.

1958-67: 31 strikes; 8,461 workers involved; 23,503 man-days lost

Average:	3.10 strikes/yr.
	846.10 workers/yr.
	2,350.30 man-days/yr.

1969-80: 301 strikes; 105,468 workers involved; 791,074 man-days lost

Average:	25.08 strikes/yr.
	8,789.00 workers/yr.
	65,922.83 man-days/yr.

NEW MEXICO

New Mexico has no bargaining legislation. State Personnel Board regulations, affecting state employees, permit bargaining at the option of the employer. Case law and attorney general's opinions covering local government employees permit bargaining to the extent that there is no preemption of civil service laws.

As of 1980, 41 of 315 government units, 13.0%, were bargaining. In the absence of enabling legislation, New Mexico has had minimal strike activity.

STATISTICAL DATA

Legislative Status: No Bargaining Legislation.

1958-80: 17 strikes; 6,710 workers involved; 37,190 man-days lost

Average: .74 strikes/yr.
291.74 workers/yr.
1,616.96 man-days/yr.

NEW YORK

New York's Taylor Law enacted in 1967 mandated collective bargaining for all public employees in the state.

As of 1979, 1,110 of the state's 3,307 government units, 33.6%, were bargaining with employee groups. The data shows a marked increase in strike activity following passage of bargaining legislation.

STATISTICAL DATA

Legislative Status: 1967 legislation covers all public employees.

1958-66: 38 strikes; 85,028 workers involved; 475,020 man-days lost

Average: 4.22 strikes/yr.
9,558.67 workers/yr.
52,780.00 man-days/yr.

1968-80: 268 strikes; 314,179 workers involved; 2,346,419 man-days lost

Average: 20.62 strikes/yr.
24,167.62 workers/yr.
180,493.77 man-days/yr.

NORTH CAROLINA

North Carolina has no bargaining legislation and is the only state to have a specific legislated prohibition to public sector bargaining.

As of 1980, no government units were bargaining with their employees.

STATISTICAL DATA

Legislative Status: No Bargaining Legislation.

1958-80: 57 strikes; 6,715 workers involved; 43,922 man-days lost

Average: 2.48 strikes/yr.
291.96 workers/yr.
1,909.65 man-days/yr.

NORTH DAKOTA

The only bargaining legislation in effect in North Dakota is a 1969 statute covering teachers.

As of 1980, 193 of the state's 2,706 government units, 7.1%, were engaged in bargaining. North Dakota has a history of minimum strike activity, and the single piece of legislation has not impacted on this to date.

STATISTICAL DATA

EDUCATION

Legislation Status: 1969 legislation covers teachers.

1958-68: 0 strikes; 0 workers involved; 0 man-days lost

1970-80: 0 strikes; 0 workers involved; 0 man-days lost

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: No Bargaining Legislation.

1958-80: 2 strikes; 125 workers involved; 456 man-days lost

Average: .09 strikes/yr.
5.43 workers/yr.
19.83 man-days/yr.

OHIO

Ohio has no bargaining legislation. There is a mix of conflicting court opinion which ranges from stating that public employees have the "right" to bargain collectively, to a limited approach granting employees the right to present proposals but denying the right to enter into binding contracts.

As of 1980, 778 of 3,333 government units, 23.3%, were negotiating with employees. This, coupled with the tradition of private sector unionism in this highly industrialized state, may account for the high level of strike activity.

STATISTICAL DATA

Legilative Status: No Bargaining Legislation.

1958-80: 696 strikes; 218,492 workers involved; 1,683,926 man-days lost

Average: 30.26 strikes/yr.
9,499.65 workers/yr.
73,214.17 man-days/yr.

OKLAHOMA

Two pieces of legislation, both enacted in 1971, establish labor relations policies of police, firefighters and teachers. The police and firefighter statute porvides for a meet and confer relationship and additionally provides for arbitration. The teacher statute takes a collective bargaining approach. An attempt to extend the prcvisions of the police and fire statute to all municipal employees was declared unconstitutional by the Oklahoma Supreme Court.

As of 1980, 198 of 1,695 government unions, 11.7%, were bargaining. The statistics show a slight increase in strike activity by those employees covered by legislation.

STATISTICAL DATA

TEACHERS, POLICE AND FIREFIGHTERS

Legislative Status: 1971 legislation covers teachers, police and firefighters.

1958-70: 3 strikes; 17,343 workers involved; 19,443 man-days lost

Average: .23 strikes/yr.
1,334.08 workers/yr.
1,495.62 man-days/yr.

1972-80: 4 strikes; 1,618 workers involved; 13,786 man-days lost

Average: .44 strikes/yr.
179.78 workers/yr.
1,531.78 man-days/yr.

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: No Bargaining Legislation

1958-80: 12 strikes; 1,262 workers involved; 14,196 man-days lost

Average: .52 strikes/yr.
54.87 workers/yr.
617.22 man-days/yr.

OREGON

Initial bargaining legislation in Oregon was a 1965 statute covering teachers. In 1973, legislation was enacted extending bargaining to all other public employees in the state. Oregon grants limited strike rights to all classes of public employees with the exception of police and fire-fighters.

As of 1980, 392 of 1,449 government units, 27.1%, were bargaining. The data shows an increase in strike activity following passage of both pieces of legislation.

STATISTICAL DATA

EDUCATION

Legislative Status: 1965 legislation covers teachers.

1958-64: 0 strike; 0 workers involved; 0 man-days lost

1966-80: 9 strikes; 2,721 workers involved; 20,146 man-days lost

Average:
.60 strikes/yr.
181.40 workers/yr.
1,343.07 man-days/yr.

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: 1973 legislation covers all other employees.

1958-72: 3 strikes; 103 workers involved; 201 man-days lost

Average:
.20 strikes/yr.
6.87 workers/yr.
13.40 man-days/yr.

1974-80: 15 strikes; 2,352 workers involved; 39,302 man-days lost

Average:
2.14 strikes/yr.
336.00 workers/yr.
5,614.57 man-days/yr.

PENNSYLVANIA

There are two bargaining statutes in Pennsylvania. 1968 legislation mandates collective bargaining for police and firefighters. 1970 legislation mandates collective bargaining for all other state and local government employees. The 1970 law also grants a limited right to strike to non-essential employees.

As of 1980, 1,192 of the state's 5,239 government units, 22.8%, were engaged in bargaining. The statistics show a dramatic increase in strike activity following enactment of both pieces of legislation.

STATISTICAL DATA

PROTECTIVE SERVICES

Legislative Status: 1968 legislation covers police and firefighters.

1958-67: 1 strike; 21 workers involved; 21 man-days lost

Average: .10 strikes/yr.
2.10 workers/yr.
2.10 man-days/yr.

1969-80: 26 strikes; 3,167 workers involved; 10,130 man-days lost

Average: 2.17 strikes/yr.
263.92 workers/yr.
844.17 man-days/yr.

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: 1970 legislation covers all remaining employees.

1958-69: 72 strikes; 43,086 workers involved; 97,017 man-days lost

Average: 6.00 strikes/yr.
3,590.50 workers/yr.
8,084.75 man-days/yr.

1971-80: 767 strikes; 356,586 workers involved; 3,959,880 man-days lost

Average: 76.70 strikes/yr.
35,658.60 workers/yr.
395,988.00 man-days/yr.

RHODE ISLAND

There are four bargaining statutes in Rhode Island. The first, enacted in 1966, covers teachers. The second, enacted in 1967, covers all local government employees except police and firefighters. The third and fourth, both enacted in 1970, cover state employees, police and firefighters.

As of 1980, 48 of 120 government units, 40.0%, were engaging in bargaining. The data shows an increase in strike activity following enactment of all legislation.

STATISTICAL DATA

EDUCATION

Legislative Status: 1966 legislation covers teachers.

1958-65: 2 strikes; 730 workers involved; 5,860 man-days lost

Average: .25 strikes/yr.
91.25 workers/yr.
732.50 man-days/yr.

1967-80: 51 strikes; 26,133 workers involved; 188,994 man-days lost

Average: 3.64 strikes/yr.
1,866.64 workers/yr.
13,499.57 man-days/yr.

LOCAL GOVERNMENT

Legislative Status: 1967 legislation covers all local government employees except police and firefighters.

1958-66: 1 strike; 9 workers involved; 567 man-days lost

Average: .11 strikes/yr.
1.00 workers/yr.
63.00 man-days/yr.

1968-80: 19 strikes; 6,751 workers involved; 15,653 man-days lost

Average: 1.46 strikes/yr.
519.31 workers/yr.
1,204.08 man-days/yr.

RHODE ISLAND (continued)

ALL OTHER PUBLIC EMPLOYEES

Legislatve Status: 1970 legislation covers state employees, police and firefighters.

1958-69: 3 strikes; 881 workers involved; 2,681 man-days lost

Average: .25 strikes/yr.
73.42 workers/yr.
223.42 man-days/yr.

1971-80: 17 strikes; 11,630 workers involved; 53,005 man-days lost

Average: 1.70 strikes/yr.
1,163.00 workers/yr.
5,300.50 man-days/yr.

SOUTH CAROLINA

South Carolina has no bargaining legislation. Written agreements or contracts are prohibited as a matter of state policy. South Carolina has passed legislation requiring all levels of government to establish grievance procedures.

As of 1980, 9 of South Carolina's 585 government units, 1.5%, were engaged in bargaining. The data shows that a very low level of strike activity accompanies the low level of bargaining.

STATISTICAL DATA

Legislative Status: No Bargaining Legislation.

1958-80: 7 strikes; 1,678 workers involved; 37,648 man-days lost

Average: .30 strikes/yr.
72.96 workers/yr.
1,636.87 man-days/yr.

SOUTH DAKOTA

A single piece of legislation, enacted in 1969, mandates bargaining for all South Dakota public employees.

In spite of enabling legislation, relatively few governments presently engage in bargaining. As of 1980, 196 of 1,729 government units, 11.3%, were negotiating with employee groups. South Dakota has a history of light strike activity.

STATISTICAL DATA

Legislative Status: 1969 legislation covers all public employees.

1958-68: 1 strike; 441 workers involved: 3,969 man-days lost

Average: .09 strikes/yr.
40.09 workers/yr.
360.82 man-days/yr.

1970-80: 1 strike; 59 workers involved; 177 man-days lost

Average: .09 strikes/yr.
5.36 workers/yr.
16.09 man-days/yr

TENNESSEE

The only bargaining legislation currently in force in Tennessee is a 1978 statute covering teachers. Case law holds that local governments do not have the authority to enter into collective bargaining agreements.

As of 1980, 71 of 907 governmental units, 7.8%, had established a bargaining relationship with their employees. In the absence of legislation, Tennessee has experienced a low level of strike activity.

EDUCATION

Legislative Status: 1978 legislation covers teachers.

1958-77: 18 strikes; 3,274 workers involved; 22,733 man-days lost

Average: .90 strikes/yr.
163.70 workers/yr.
1,136.65 man-days/yr.

1979-80: 10 strikes; 331 workers involved; 2,531 man-days lost

Average: 5.00 strikes/yr.
165.50 workers/yr.
1,265.50 man-days/yr.

ALL OTHER PUBLIC EMPLOYEES

Legal Status: No Bargaining Legislation.

1958-80: 43 strikes; 14,297 workers involved; 159,723 man-days lost

Average 1.87 strikes/yr.
621.61 workers/yr.
6,944.48 man-days/yr.

TEXAS

The only bargaining legislation in Texas pertains to police and firefighters. This statute permits bargaining in municipalities that opt, through a referendum, to do so. The law also permits a revocation of bargaining, also by referendum. The limited scope of this legislation coupled with the nature of the available data made it impossible to select out those strikes in areas covered. Therefore, all Texas strikes were treated as having taken place in the absence of legislation.

As of 1980,118 of 3897 government units, 3.0%, were engaged in bargaining. Texas also shows a relatively low level of strike activity.

STATISTICAL DATA

Legislative Status: No Bargaining Legislation (see above)

1958-80: 48 strikes; 9,863 workers involved; 55,163 man-days lost

Average: 2.09 strikes/yr.
428.83 workers/yr.
2,398.39 man-days/yr.

UTAH

Utah has no bargaining legislation. A 1975 statute that extended bargaining to the state's firefighters was later declared unconstitutional. Earlier attorney general's opinions prohibited bargaining for state employees and permitted it for local government units.

As of 1980, 55 of 493 government units, 11.2%, were engaged in bargaining. In the absence of legislation, Utah has had a very low level of strike activity.

STATISTICAL DATA

Legislative Status: No Bargaining Legislation.

1958-80: 11 strikes; 16,523 workers involved; 47,137 man-days lost

Average: .48 strikes/yr.
718.39 workers/yr.
2,049.43 man-days/yr.

VERMONT

Three pieces of legislation extend collective bargaining to all public employees in Vermont. Two laws, both enacted in 1969, cover state employees and teachers. The final statute enacted in 1973, covers all remaining public employees. Vermont laws grant a limited right to strike to all public workers with the exception of those employed by the state.

As of 1980, 158 of 648 government units, 24.4%, were engaging in bargaining. There have been only six public sector strikes in Vermont, all folowing enactment of legislation.

STATISTICAL DATA

STATE EMPLOYEES

Legislative Status: 1969 legislation covers state employees.

1958-68: 0 strikes; 0 workers involved; 0 man-days lost

1970-80: 0 strikes; 0 workers involved; 0 man-days lost

EDUCATION

Legislative Status: 1969 legislation covers teachers.

1958-68: 0 strikes; 0 workers involved; 0 man-days lost

1970-80: 5 strikes; 728 workers involved; 4,367 man-days lost

Average: .45 strikes/yr.
66.18 workers/yr.
397.00 man-days/yr.

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: 1973 legislation covers all other employees.

1958-72: 0 strikes; 0 workers involved; 0 man-days lost

1974-80: 1 strike; 47 workers involved; 470 man-days lost

Average: .14 strikes/yr.
6.71 workers/yr.
67.14 man-days/yr.

VIRGINIA

Virginia has no bargaining legislation. A state supreme court decision handed down early in 1977 prohibits public sector collective bargaining.

As of 1980, none of the state's 390 government units were engaging in bargaining. In the absence of legislation, Virginia has enjoyed a low level of strike activity.

STATISTICAL DATA

Legislative Status: No Bargaining Legislation.

1958-80: 17 strikes; 1,962 workers involved; 10,058 man-days lost

Average: .74 strikes/yr.
85.30 workers/yr.
437.30 man-days/yr.

WASHINGTON

Teachers were covered by a 1965 statute. An Executive Order and two pieces of legislation, all dating from 1971, cover state, community college and university employees. A 1967 law mandated bargaining for all other public employees.

As of 1980, 476 of 1,669 government units, 28.5%, were bargaining with employee groups. The data shows an increase in strike activity following enactment of all legislation.

STATISTICAL DATA

EDUCATION

Legislative Status: 1965 legislation covers teachers.

1958-64: 0 strikes; 0 workers involved; 0 man-days lost

1966-80: 47 strikes; 24,586 workers involved; 214,986 man-days lost

Average: 3.13 strikes/yr.
1,639.07 workers/yr.
14,332.40 man-days/yr.

WASHINGTON (continued)

STATE EMPLOYEES

Legislative Status: 1971 legislation covers state, community college and university employees.

1958-70: 2 strikes; 38 workers involved; 182 man-days lost.

Average: .15 strikes/yr.
2.92 strikes/yr.
14.00 man-days/yr.

1972-80: 17 strikes; 10,595 workers involved; 66,469 man-days lost

Average: 1.89 strikes/yr.
1,177.22 workers/yr.
7,385.44 man-days/yr.

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: 1967 legislation covers remaining employees.

1958-66: 2 strikes; 53 workers involved; 245 man-days lost

Average: .22 strikes/yr.
5.89 workers/yr.
27.22 man-days/yr.

1968-80: 35 strikes; 8,140 workers involved; 155,032 man-days lost

Average: 2.69 strikes/yr.
626.15 workers/yr.
11,925.54 man-days/yr.

WEST VIRGINIA

West Virginia has no bargaining legislation. Attorney general's opinions have held bargaining to be permissible, but, at the discretion of the employer.

As of 1980, 32 of 597 government units, 5.4%, were engaging in bargaining.

STATISTICAL DATA

Legislative Status: No Bargaining Legislation.

1958-80: 67 strikes; 9,544 workers involved; 114,061 man-days lost

Average: 2.91 strikes /yr.
414.96 workers/yr.
4,959.17 man-days/yr.

WISCONSIN

Wisconsin is generally credited with being the first state to enact bargaining legislation. This was a 1959 statute covering all but state employees. Coverage was extended to state employees in 1966.

As of 1980, 601 of 2,519 government units, 23.9%, were engaging in bargaining. Although only one year of data is available for the period preceding the initial legislation, the level of strike activity is higher than that generally found in non-bargaining states. State employees show a slight increase in strike activity following legislation.

STATISTICAL DATA

STATE EMPLOYEES

Legislative Status: 1966 legislation covers state employees.

1958-65: 0 strikes; 0 workers involved; 0 man-days lost

1967-80: 9 strikes; 13,940 workers involved; 139,997 man-days lost

Average: .64 strikes/yr.
995.71 workers/yr.
9,999.79 man-days/yr.

WISCONSIN (continued)

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: 1959 legislation covers all remaining employees

1958: 0 strikes; 0 workers involved; 0 man-days lost

1960-80: 134 strikes; 65,003 workers involved; 740,601 man-days lost

Average: 6.38 strikes/yr.
3,095.38 workers/yr.
35,266.71 man-days/yr.

WYOMING

The only bargaining legislation in Wyoming applies to firefighters.

As of 1980, 44 of 387 government units, 11.4%, were engaging in bargaining. Statistics reveal a very low level of strike activity in Wyoming, and no firefighter strikes before or after legislation.

STATISTICAL DATA

FIREFIGHTERS

Legislative Status: 1965 legislation covers firefighters.

1958-64: 0 strikes; 0 workers involved; 0 man-days lost

1966-80: 0 strikes; 0 workers involved: 0 man-days lost

ALL OTHER PUBLIC EMPLOYEES

Legislative Status: No Bargaining Legislation.

1958-80: 2 strikes; 102 workers involved; 825 man-days lost

Average: .09 strikes/yr.
4.34 workers/yr.
35.87 man-days/yr.

APPENDIX II

PUBLIC SECTOR BARGAINING STATUTES

ALABAMA		: covers public school employees
ALASKA	1	: covers all public employees except employees of school districts
	2	: covers teachers
CALIFORNIA	1	: covers state civil service employees and teachers employed by the Department of Education or Superintendent of Public Instruction
	2	: covers state non-civil service employees and employees not covered by California 1. Excludes academic employees.
	3	: covers employees of University of California, Hastings College of Law and California State Universities and Colleges
	4	: covers local government employees; excludes school district employees
	5	: covers employees of school and community college districts
CONNECTICUT	1	: covers state employees
	2	: covers teachers
	3	: covers municipal employees
DELAWARE	1	: covers all public employees except teachers
	2	: covers teachers
FLORIDA		: covers all public employees
GEORGIA	1	: covers state employees
	2	: covers firefighters in cities of over 20,000 population which opt to come under the provisions
HAWAII		: covers all public employees
IDAHO	1	: covers firefighters
	2	: covers teachers
ILLINOIS	1	: executive order covers state employees under the jurisdiction of the Governor
	2	: covers firefighters in cities with populations of 5,000 or greater
	3	: covers public school employees
INDIANA		: covers teachers
IOWA		: covers all public employees
KANSAS	1	: covers all public employees except teachers
	2	: covers teachers

KENTUCKY	1	:	covers firefighters in cities with populations of 300,000 or greater or cities petitioning for inclusion
	2	:	covers police in counties with populations greater than 300,000
LOUISIANA		:	covers all public employees
MAINE	1	:	covers state employees
	2	:	covers all municipal and school district employees
	3	:	covers university employees
MARYLAND	1	:	covers teachers
	2	:	covers non-certified school employees; 12 of Maryland's 23 counties and Baltimore City are excluded from coverage.
MASSACHUSETTS		:	covers all public employees
MICHIGAN		:	covers all public employees except those in the state classified service
MINNESOTA		:	covers all public employees
MISSOURI		:	covers all public employees except police and teachers
MONTANA	1	:	covers all public employees except nurses
	2	:	covers nurses
NEBRASKA	1	:	covers all public employees except teachers in Class III, IV, and V districts
	2	:	covers teachers in Class III, IV, and V districts
NEVADA		:	covers all local government employees
NEW HAMPSHIRE		:	covers all public employees
NEW JERSEY		:	covers all public employees
NEW YORK		:	covers all public employees
NORTH DAKOTA		:	covers teachers
OHIO		:	covers all public employees
OKLAHOMA	1	:	covers police and firefighters
	2	:	covers public school employees
OREGON		:	covers all public employees
PENNSYLVANIA	1	:	covers police and firefighters
	2	:	covers all public employees except police and firefighters
RHODE ISLAND	1	:	covers state employees
	2	:	covers municipal employees
	3	:	covers firefighters
	4	:	covers police
	5	:	covers teachers

SOUTH DAKOTA		:	covers all public employees
TENNESSEE		:	covers teachers
TEXAS		:	covers police and firefighters
VERMONT	1	:	covers state employees
	2	:	covers municipal employees
	3	:	covers teachers
WASHINGTON	1	:	covers local government employees, except teachers
	2	:	covers teachers
	3	:	covers university employees
	4	:	covers community college employees
WISCONSIN	1	:	covers state government employees
	2	:	covers local government employees
WYOMING		:	covers firefighters

STATUTE	LOCAL OPTION	ADMINISTRATIVE AGENCY	BARGAINING FORM		SUPERVISOR BARGAINING	UNION SECURITY					IMPASSE PROCEDURES				STRIKES		
			Meet and Confer	Collective Negotiation		Exclusive Representation	Dues Check Off	Maintenance of Membership	Agency Shop	Union Shop	Mediation	Fact Finding	Arbitration: Voluntary	Arbitration: Mandatory	Prohibited	Permitted[a]	Penalties
Alabama							X										
Alaska 1	X[b]	X		X	X	X	X		X	X	X		X	X		X[c]	
Alaska 2				X	X	X					X						
California 1		X	X		X	X	X	X			X						
California 2			X												X		
California 3		X	X			X	X				X	X					
California 4			X		X	X	X		X		X				X		
California 5		X		X		X	X	X	X		X	X			X		
Connecticut 1		X		X	X	X	X		X		X	X	X		X		
Connecticut 2		X		X	X	X	X		X		X	X		X	X		
Connecticut 3		X		X	X	X	X		X		X	X		X	X		
Delaware 1	X[d]	X		X	X	X	X				X		X[e]		X		
Delaware 2		X		X		X	X				X	X			X		X
Florida		X		X		X	X				X	X			X		X
Georgia 1															X		X
Georgia 2	X		X		X	X						X			X		X
Hawaii		X		X	X	X	X		X		X	X	X	X[f]		X	
Idaho 1		X		X		X						X			X[g]		
Idaho 2		X		X		X					X	X					
Illinois 1		X		X		X					X	X	X				
Illinois 2												X					
Illinois 3	X			X		X	X		X				X				
Indiana		X		X		X	X				X	X	X		X		X
Iowa 1		X		X		X	X				X	X			X		X
Kansas 1	X[d]	X	X			X					X	X			X		
Kansas 2		X		X	X	X	X				X	X			X		
Kentucky 1	X	X		X	X	X	X			X	X	X			X		
Kentucky 2				X	X										X		
Louisiana							X										
Maine 1		X		X	X	X					X	X	X[h]		X		
Maine 2		X		X	X	X					X	X	X[h]		X		
Maine 3		X		X	X	X	X		X	X	X	X	X[h]		X		
Maryland 1		X		X	X	X	X				X	X			X		X
Maryland 2				X	X	X	X				X	X			X		X
Massachusetts		X		X		X	X		X		X	X		t	X		X
Michigan		X		X		X	X		X		X	X		X[i]	X		X
Minnesota		X		X	X	X	X		X		X		X	X[k]	X[l]	X[l]	X
Missouri		X	X			X	X								X		X
Montana 1		X		X		X	X		X		X	X	X	X[f]		X[m]	
Montana 2		X		X		X										X	
Nebraska 1		X		X	X	X					X	X	X[n]		X		X
Nebraska 2	X		X			X						X	X[n]				
Nevada		X		X	X	X	X				X	X	X		X		X
New Hampshire		X		X	X	X					X	X	X[e]		X		
New Jersey		X		X	X	X	X		X		X	X	X	X[i]	X		
New York		X		X	X	X	X		X[u]		X	X	X	X[i]	X		X
North Dakota		X		X	X	X	X				X	X			X		X

STATUTE	LOCAL OPTION	ADMINISTRATIVE AGENCY	BARGAINING FORM		SUPERVISOR BARGAINING	UNION SECURITY					IMPASSE PROCEDURES				STRIKES		
			Meet and Confer	Collective Negotiation		Exclusive Representation	Dues Check Off	Maintenance of Membership	Agency Shop	Union Shop	Mediation	Fact Finding	Arbitration: Voluntary	Arbitration: Mandatory	Prohibited	Permitted[a]	Penalties
Ohio							X		X		X						
Oklahoma 1		X	X		X	X					X	X	X		X		X
Oklahoma 2				X	X	X	X					X			X		X
Oregon		X		X		X	X		X		X	X	X	X[l]	X[o]	X[o]	
Pennsylvania 1		X		X		X							X		X		
Pennsylvania 2		X		X	X	X	X	X			X	X	X	X[p]	X[q]	X[q]	
Rhode Island 1		X		X	X	X	X		X			X		X	X		
Rhode Island 2		X		X		X					X		X		X		
Rhode Island 3		X		X	X	X								X	X		
Rhode Island 4		X		X	X	X								X	X		
Rhode Island 5		X		X		X	X		X		X		X		X		
South Dakota		X		X		X	X				X				X		X
Tennessee				X		X	X				X	X			X		X
Texas	X			X	X	X	X				X		X		X		X
Vermont 1		X		X	X	X					X	X			X		
Vermont 2		X		X		X	X		X	X	X	X	X			X	
Vermont 3				X	X	X					X	X					
Washington 1		X		X	X	X	X		X	X	X	X[r]		X[r]	X		X
Washington 2		X		X	X	X	X		X		X	X			X		
Washington 3		X		X		X	X			X					X		
Washington 4		X	X		X	X					X	X					
Wisconsin 1		X		X	X	X	X	X	X		X	X			X		X
Wisconsin 2		X		X		X	X		X		X		X		X[s]	X[s]	
Wyoming				X		X								X			

FOOTNOTES

a. In all instances where strikes are permitted, it is done so on a limited basis. Employees judged essential to the public well-being are generally prohibited from striking.

b. Local jurisdictions may opt not to be covered by these provisions. Such a vote by the governing body must take place prior to the advent of any organizing activity.

c. Alaska's teacher statute is silent on strikes. However, teachers have been considered covered by the strike provisions of Alaska's other bargaining statute.

d. Statute is mandatory for state government and optional for counties and municipalities.

e. Wage or salary questions may not be arbitrated.

f. Arbitration mandatory for firefighters only.

g. Strikes are prohibited during term of contract. Idaho Supreme Court ruled in I.A.F.F., Local 1494 v. City of Coeur d'Alene, Case No. 12774 that strikes were permitted if contract expires.

h. Arbitration on matters of wages and benefits is advisory only.

i. Arbitration mandatory for police and firefighters.

j. Arbitration provisions applicable only to police, firefighters, and emergency medical personnel, and, under a separate statute, state police.

k. Arbitration is mandatory for essential employees and voluntary for non-essential employees.

l. Essential employees are prohibited from striking. Non-essential employees may strike if the employer refuses to submit an impasse to arbitration or rejects an arbitration award. Teacher unions may opt to strike or to submit impasses to arbitration.

m. Firefighters prohibited from striking.

n. Arbitration is conducted by the Court of Industrial Relations, a state agency. Employees covered by the teacher statute may utilize these impasse procedures after exhausting the provisions contained in their own law.

o. Strikes by police, firefighters and prison and hospital guards are prohibited.

p. Arbitration is mandatory for employees denied ability to strike.

q. Prison and hospital guards and court employees may not strike.

r. Applicable to uniformed employees.

s. Strikes by police and firefighters are prohibited. Other employees may strike if permitted by prior, mutual agreement or if both parties decline to submit the impasse to final offer arbitration. This legislation expires on October 31, 1986 unless renewed.

t. Arbitration provisions were repealed in the November 1980 election by language contained in a tax limitation measure known locally as Proposition 2 1/2.

u. Agency shop authorization expires Sept. 3, 1983 unless renewed by the state legislature.